

EXAMINER'S AMENDMENT

1. An examiner's amendment to the record appears below. Should the changes and/or additions be unacceptable to applicant, an amendment may be filed as provided by 37 CFR 1.312. To ensure consideration of such an amendment, it MUST be submitted no later than the payment of the issue fee.

Authorization for this examiner's amendment was given in a telephone interview with Thomas J. Burger on March 17, 2009.

The application has been amended as follows:

Canceled claims 6-9, 11 and 14-20.

In claim 2, in line 2, after "split bore" deleted "mountable" and replaced with --mounted--.

In claim 12, in line 7, after "teeth for" deleted "engageably contacting" and replaced with --mateably engaging--.

In claim 12, in line 8, after "head support," inserted --and a passage therethrough concentric with a longitudinal axis of the connector, --.

In claim 12, in line 9, after "outward direction" inserted --and comprising a pivot axis axially aligned with the longitudinal axis of the connector--.

In claim 12, in line 11, after "center adapter" deleted "mounted for pivoting motion" and replaced with --pivotably mounted--.

In claim 12, in line 16, before "device, so as" inserted --surgical--.

In claim 12, in line 19, after "pivotable about" inserted --a handle pivot pin having--.

In claim 12, in line 21, after "and pivotal" deleted "above" and replaced with --about a rocker pivot pin having--.

In claim 12, in line 21, after "being parallel," deleted "and".

In claim 12, after line 21, inserted --a tubular adjuster comprising a tubular body secured to the rocker at a first end and having an opening at a second end, --.

In claim 12, in line 22, after "and second ends," deleted "and" and replaced with --the second end of the rod telescopically received within the second end of the tubular adjuster and the rod--.

In claim 12, in lines 23-25, after "thereof" deleted " , the rod operatively connected to the rocker at the second end thereof".

In claim 12, in line 27, after "disposed between" deleted "the first and the second ends" and replaced with --an internal shoulder of the tubular adjuster and the second end--.

In claim 12, in line 29, after "unclamped orientation" inserted --wherein the rod is biased towards a retracted position within the tubular adjuster and applies a clamping force between the handle pivot pin and the rocker pivot pin and opposing sides of the split bore when the clamp is in the clamped orientation--.

In claim 21, in line 5, after "teeth for" deleted "engageably contacting" and replaced with --mateably engaging--.

In claim 21, in line 6, after "head support" inserted -- , and a passage therethrough concentric with a longitudinal axis of the connector--.

In claim 21, in line 7, after "the base" inserted --and comprising a pivot axis aligned with the longitudinal axis of the head support connector--.

In claim 21, in lines 9-10, after "opening sized" deleted "to be mounted for pivoting motion" and replaced with --to receive the boss such that the center adapter is pivotably mounted--.

In claim 21, in line 12, after "an additional" inserted --surgical--.

In claim 21, in lines 15-17, after "opening of the" deleted "adapter and also through the passage, the shank operable to threadably engage a head support and to cooperate with the head support connector, via the first engagement teeth, to removably secure" and replaced with --center adapter, the passage of the boss and the passage of the head connector, the shank threadably engageable with the head support such that threaded tightening of the shank within the head support secures the first engagement teeth with teeth of the head support at a desired orientation and removably secures--.

In claim 21, in line 19, after "connected to the" inserted --center--.

In claim 21, in line 20, after "pivot surface" inserted --of the boss--.

In claim 21, in line 23, after "securement of" deleted "a" and replaced with --the--.

2. The following is an examiner's statement of reasons for allowance:

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As to claim 12, McFadden (US 5,560,728) discloses the claimed swivel adapter with the exception of the clamp comprising a rocker pivotably connected to the center adapter on an opposite side or the split bore and pivotal about a rocker pivot pin having a rocker axis, the rocker axis and the handle axis being parallel; a tubular adjuster comprising a tubular body secured to the rocker at a first end and having an opening at a second end; a rod having first and second ends, the second end of the rod telescopically received within the second end of the tubular adjuster and the rod pivotally connected to the handle at the first end thereof so as to span the split bore; and biasing means disposed between an internal shoulder of the tubular adjuster and the second end of the rod for facilitating movement of the clamp from a clamped orientation to an unclamped orientation wherein the rod is biased towards a retracted position within the tubular adjuster and applies a clamping force between the handle pivot pin and the rocker pivot pin and opposing sides of the split bore when the clamp is in the clamped orientation.

There is no teaching or suggestion, absent the applicant's own disclosure, for one having ordinary skill in the art at the time the invention was made to modify the swivel adapter disclosed by McFadden to have the above mentioned elemental features. Furthermore, such modifications would yield unexpected and unpredictable results.

Any comments considered necessary by applicant must be submitted no later than the payment of the issue fee and, to avoid processing delays, should

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preferably accompany the issue fee. Such submissions should be clearly labeled "Comments on Statement of Reasons for Allowance."

Any inquiry concerning this communication or earlier communications from the examiner should be directed to MICHAEL P. FERGUSON whose telephone number is (571)272-7081. The examiner can normally be reached on M-F (6:30am-3:00pm).

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Daniel P. Stodola can be reached on (571)272-7087. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

MPF
03/17/09

/Michael P. Ferguson/
Primary Examiner, Art Unit 3679